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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/815,294	03/22/2001	Edward B. Jones	JONES E.-PA-2	4632

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BALTIMORE, MD 21202

EXAMINER

TAMAI, KARL I

ART UNIT	PAPER NUMBER
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2834

DATE MAILED: 06/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/815,294

Applicant(s)

JONES, EDWARD B.

Examiner

Tamai IE Karl

Art Unit

2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 March 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 March 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Drawings*

1. The corrected or substitute drawings were received on 3/24/03. These informal drawings are accepted.
2. The objection to the drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character 20 and 35 is withdrawn.
3. The drawings are objected to under 37 CFR 1.83(a) because they fail to show the following features, as described in the specification:
  - the bearings 18 "rotatably support shaft 3 and to roll against the surfaces of disks 10, 20. Preferably, three bearing collars 18 are used, one between the two disks 10, 20 and the others on the opposite sides of the disks 10, 20". It is unclear how the two axially outer bearings will rotatably support the shaft when they are not in contact with the disks 10, 20 or any supporting structure.
  - The drawings do not show "the outer bearing collars 18 holding disks 10, 20 in place".
  - The drawings do not show the center bearing 18 supporting the shaft. The drawing show the bearing positioned inside hole 13, so that the bearing is mounted on the shaft only.

Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). A proposed drawing

correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

4. Figure 3B should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "31-49" has been used to designate both charging plates in the applicant's invention and various parts in the prior art such as neutralizing bars, contact brushes, and collectors. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

6. The drawings are objected to because the brief description of the drawings in the specification for figures 3, 6, and 7 must be consistent with the label applied to the drawings: therefore the brief description of figure 3 in the specification should refer to figure 3A and 3B. The same correction must be made to the brief description of figures 6 and 7. A proposed drawing correction or corrected drawings are required in reply to

the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Specification***

7. The objection to the disclosure for minor informalities is withdrawn.

***Claim Rejections - 35 USC § 101***

8. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

9. Claims 1-5 are rejected under 35 U.S.C. 101 because the disclosed invention is inoperative and therefore lacks utility. The invention is inoperative because it cannot operate as set forth by the Applicant. The grounding means (brushes) cannot induce a charge on the charge plates. The ground will only drain off the charge(positive or negative which is at the contact point. The only induction occurring in a Wimshurst Machine is between the counter rotating charged plates. The invention violates the laws of conservation of energy because the electric charge cannot be created from nothing nor can there be a "net gain of energy" (page 8, line17), only a conversion of energy from one state to another.

***Claim Rejections - 35 USC § 112***

10. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

11. Claims 1-5 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention.

Claims 1-5 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

12. The specification does not enable or contain a full, clear, concise, and exact written description of a device that will operate as an electrostatic generator. The grounding means (brushes) cannot induce a charge on the charge plates. The ground will only drain off the charge (positive or negative) which is at the contact point. The only induction occurring in a Wimshurst Machine is between the counter rotating charged plates. The invention violates the laws of conservation of energy because the electric charge cannot be created from nothing nor can there be a "net gain of energy" (page 8, line17), only a conversion of energy from one state to another.

13. Claims 1-5 are rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling. The specification discloses that the number of charge plates must equal double an even number is critical or essential to the practice of the invention, but not included in the claims is not enabled by the disclosure. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976). The limitations must be included in the claims to provide an operable device as disclosed in the specification.

14. The applicant is required to supply a working model of the invention to establish the operability of the device. (See 37 CFR 1.91). The examiner will consider a video of the working machine, since the applicant cannot transport the device from North Carolina to the Patent and Trademark Office.

***Claim Rejections - 35 USC § 103***

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. Claim 1-3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA in view of Tudsbury. AAPA teaches every aspect of the invention except the ground brushes connected by conductors for the first and second disks and the discs driven by a hand crank. Tudsbury shows the ground conductors i-i3 being connected through the metal housing a (inherently conductive) and the discs driven by a hand crank. It would have been obvious to a person of ordinary skill in the art at the time of

the invention to construct a wimshurst generator of the AAPA with the grounded brushes electrically connected by the casing as shown in Tudsbury to increase the electrical efficiency of the device.

### ***Response to Arguments***

17. Applicant's arguments filed 3/24/02 have been fully considered but they are not persuasive. The Applicant's argument that the applicant's generator is operable and does not violate the laws of conservation of energy because a Wimshurst generator is operational and does not violate the laws of conservation of energy is not persuasive. The Applicant's invention is not a Wimshurst generator because a Wimshurst invention does not have a net energy gain (an increase in the number of electrons) at the charge plates when opposite a ground connection, as set forth in the specification. When the conductor plate is connected to ground the charge adjacent the connection is drained away, but there is no increase in the number of electrons or protons on the conductor plate. The Applicant's invention to increase the number of electrons (or protons for the positive charged plate) is a violation of the laws of conservation of energy. The devices is inoperative.

The Applicant's argument that the ground (neutral) brush does not claims to induce a charge on the charge conductors is not persuasive because the claims set for that the "said grounding means induces each charge plate to accumulate a logarithmically-increasing charge. The ground brush does not induce the charge on the charge plates, it merely drains away separated charges induce by the rotating plates.



The examiner has provide a drawing from a physics book showing that the ground does not induce the charge in the electrodes.


The Applicant's arguments regarding figure 4 is not persuasive because the drawing does not show what is in the specification. The specification might say that the discs counter rotate, but that is NOT what is shown in the drawings. The Applicant's argument that a dimensionally accurate drawing is not possible is not persuasive. The examiner cites Birdsall and Tudsbury as examples of dimensionally accurate drawings in existing patents.

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karl I.E. Tamai whose telephone number is (703) 305-7066.

The examiner can be normally contacted on Monday through Friday from 8:00 am to 4:00 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Nestor Ramirez, can be reached at (703) 308-1371. The facsimile number for the Group is (703) 305-3432.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

Karl I Tamai  
PRIMARY PATENT EXAMINER  
June 6, 2003



KARL TAMAI  
PRIMARY EXAMINER